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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

\*JUne 10 2005 \*

CEMENT AND CONCRETE WORKERS DISTRICT COUNCIL WELFARE FUND, PENSION FUND, ANNUITY FUND and EDUCATION AND TRAINING FUND and SILVANA BALDO, in her fiduciary capacity as Administrator of the Cement and Concrete Workers District Council Welfare Fund, Pension Fund and Annuity Fund

**BROOKLYN OFFICE** 

Civil Action No.

CV 04-4293 (JG) (MDG)

And

DEFAULT JUDGMENT

BARRY KAPLAN, as President of the CEMENT AND CONCRETE WORKERS DISTRICT COUNCIL and in his fiduciary capacity as a Trustee of the EDUCATION AND TRAINING FUND

Plaintiffs,

-against-

MANHATTAN STRUCTURES, INC. MANHATTAN STRUCTURAL CONCRETE, INC. and SAM GENOVESE

Defendants.

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This action having been commenced by the filing of a summons and complaint on October 5, 2004 and copies of the summons and complaint having been served by Steven C. Avery on the defendants MANHATTAN STRUCTURES, INC. AND MANHATTAN STRUCTURAL CONCRETE, INC. by serving two true copies on Ms. Carol Vogt of The Office of the Secretary of State at 41 State Street, Albany, NY 12231 on October 25, 2004. The action against

defendant Sam Genovese has been discontinued without prejudice.

MANHATTAN STRUCTURES, INC. AND MANHATTAN STRUCTURAL CONCRETE,

INC. have failed to appear, answer or otherwise defend in this
action within the time permitted by law,

NOW, on motion of Kaming & Kaming, attorneys for plaintiffs, by Joseph S. Kaming, it is

ORDERED, ADJUDGED AND DECREED that plaintiffs have judgment against defendants MANHATTAN STRUCTURES, INC. and MANHATTAN STRUCTURAL CONCRETE, INC. in the liquidated amount of \$158,064.80 as and for past benefit contributions for the period January 1, 2003 through March 31, 2004 with interest at 18% according to the collective bargaining agreement from March 31, 2004 to present amounting to \$26,080.69 and liquidated damages in the amount of \$26,080.69; the amount of \$18,905.25 as and for dues and checkoffs deducted and owing for the period January 1, 2003 through March 31, 2004 with interest at 18% according to the collective bargaining agreement from March 31, 2004 to present in the amount of \$3,119.36; plus costs and disbursements of this action in the amount of \$310.00; plus attorneys' fees in the amount of \$1,750.00, amounting in total to \$234,310.79.

Dated: New York, New York , 2005

s/John Gleeson 6-7-05